

**FIFTY-FIFTH DAY**  
(Wednesday, April 28, 1993)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper James Morris offered the invocation as follows:

Our Father, we pray this morning that during the weeks ahead  
You will grant to the women and men of this Senate the  
knowledge and confidence to make changes, the courage and the  
will to challenge, and the energy and wisdom to lead. In Thy  
Son's name. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**CO-AUTHOR OF SENATE BILL 679**

On motion of Senator Luna and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 679.

**CO-AUTHORS OF SENATE BILL 993**

On motion of Senator Nelson and by unanimous consent, Senators Zaffirini and Shapiro will be shown as Co-authors of S.B. 993.

**CO-AUTHORS OF SENATE BILL 994**

On motion of Senator Nelson and by unanimous consent, Senators Zaffirini and Shapiro will be shown as Co-authors of S.B. 994.

**CO-AUTHOR OF SENATE BILL 1005**

On motion of Senator Carriker and by unanimous consent, Senator Rosson will be shown as Co-author of S.B. 1005.

**CO-AUTHOR OF SENATE BILL 1093**

On motion of Senator Madla and by unanimous consent, Senator Zaffirini will be shown as Co-author of S.B. 1093.

**CO-AUTHOR OF SENATE BILL 1181**

On motion of Senator Barrientos and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 1181.

**CO-AUTHORS OF SENATE BILL 1184**

On motion of Senator Haley and by unanimous consent, Senators Ratliff and Shapiro will be shown as Co-authors of S.B. 1184.

**CO-SPONSOR OF HOUSE CONCURRENT RESOLUTION 52**

On motion of Senator Sims and by unanimous consent, Senator Lucio will be shown as Co-sponsor of H.C.R. 52.

**PERMISSION TO INTRODUCE BILLS**

On motion of Senator Harris of Dallas and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills:

<b>S.B. 1435</b>	<b>S.B. 1440</b>
<b>S.B. 1436</b>	<b>S.B. 1441</b>
<b>S.B. 1437</b>	<b>S.B. 1442</b>
<b>S.B. 1438</b>	<b>S.B. 1443</b>
<b>S.B. 1439</b>	<b>S.B. 1444</b>

**MESSAGE FROM THE HOUSE**

House Chamber  
April 28, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

**S.B. 815**, Relating to the adoption of standard plumbing codes by the Texas State Board of Plumbing Examiners. (As amended)

**S.B. 360**, Relating to making confidential a record that would identify a person who uses library services or materials.

**S.C.R. 76**, Commending Lamont Veatch on his superb career and extending best wishes for a happy retirement.

**H.B. 680**, Relating to the application of the professional prosecutors law to the county attorney of Lee County.

**H.J.R. 14**, Proposing a constitutional amendment increasing the maximum size of an urban homestead to 10 acres.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**GUEST PRESENTED**

Senator Brown was recognized and introduced to the Senate Noelle Smith of St. Thomas Episcopal High School, serving as a Senate Page for today.

The Senate welcomed Miss Smith.

**SENATE RESOLUTION 772**

Senator Sibley offered the following resolution:

WHEREAS, The Senate of the State of Texas joins with the residents of Ellis County in declaring Wednesday, April 28, 1993, as Ellis County Day; and

WHEREAS, A county of rural charm and natural beauty, Ellis County is located in North Central Texas and was created in 1849 from Robertson and Navarro counties; and

WHEREAS, The county was named for Richard Ellis who was president of the convention that declared Texas' independence from Mexico—the Convention of 1836; and

WHEREAS, During the early days, the land in Ellis County served as the buffalo hunting grounds of several Indian tribes; the earliest inhabitants and hunters were the Tonkawa, Kickapoo, Bidai, Anadarko, and Waco; and

WHEREAS, Today, Ellis County is one of the leading agricultural areas in the state; although the early settlers were chiefly stock raisers, the land has been cultivated since its first settlement in 1843; and

WHEREAS, The fertile black land soils extend through the center of the county and the terrain varies from gently rolling hills to level plain; on the east border are the Trinity River and Chalmers Creek; and

WHEREAS, The county's chief economic resource is livestock, with cotton, sorghums, and other grains contributing to its economic stability; and

WHEREAS, The county seat is Waxahachie, a city which derives its name from the Indian word for "cow or buffalo creek" and was originally a part of the Chisholm Trail; and

WHEREAS, This historic town has been the location of several major films and is well known for its charming Victorian-style homes with gingerbread trim; and

WHEREAS, The Ellis County courthouse in Waxahachie is elaborate; it was constructed with granite from Burnet County and red sandstone; Italian artisans were imported to carve the extensive stone exterior; and

WHEREAS, The county is host to numerous festive events including the Scarborough Faire which is a springtime Renaissance fair, the Italian festival, the national polka festival, and the bluebonnet trail festivals; and

WHEREAS, Residents of Ellis County have preserved the natural beauty of the land and are hospitable and friendly, making Ellis County a pleasurable place to visit; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby express appreciation to the people of Ellis County for their contributions to the state and extend best wishes to them for a celebratory Ellis County Day; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Ellis County as a token of regard from the Texas Senate.

The resolution was read and was adopted by a viva voce vote.

#### MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
April 26, 1993

TO THE SENATE OF THE SEVENTY-THIRD LEGISLATURE,  
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY for a term to expire January 31, 1999:

LORRAINE J. YANCEY  
7227 U.S. Highway 290 E. #1-301  
Austin, Texas 78723

Ms. Yancey will be replacing Earl Lairson of Houston, whose term expired.

April 27, 1993

TO BE A MEMBER OF THE TEXAS SURPLUS PROPERTY AGENCY BOARD OF DIRECTORS for a term to expire March 19, 1999:

GLADYS A. ALONZO  
6503 Bluff Springs Road 909  
Austin, Texas 78744

Ms. Alonzo will be replacing Emmett Allen of Fort Worth, whose term expired.

TO BE A MEMBER OF THE TEXAS SURPLUS PROPERTY AGENCY BOARD OF DIRECTORS for a term to expire March 19, 1997:

LUKIN T. GILLILAND, JR.  
115 Hubbard #3020  
San Antonio, Texas 78209

Mr. Gilliland will be replacing Walter Lockhoof of Childress, who resigned.

TO BE A MEMBER OF THE TEXAS WORKERS' COMPENSATION COMMISSION for a term to expire February 1, 1999:

ROYCE FAULKNER  
1703 Michael  
Austin, Texas 78704

Mr. Faulkner will be replacing Joe L. Hanson of Plano, whose term expired.

TO BE A MEMBER OF THE TEXAS WORKERS' COMPENSATION COMMISSION for a term to expire February 1, 1997:

DONNA LYNN SNYDER  
11625 Wander Lane  
Dallas, Texas 75230

Ms. Snyder will be filling the unexpired term of Richard Perkins of Dallas, who resigned.

Respectfully submitted,

/s/Ann W. Richards  
Governor of Texas

#### INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The President announced that the introduction of bills and resolutions on first reading would be postponed until after the Senate Caucus today.

**CAPITOL PHYSICIAN**

Senator Armbrister was recognized and presented Dr. Charles Anderson of San Marcos as the "Doctor for the Day."

The Senate welcomed Dr. Anderson and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

**COMMITTEE OF THE WHOLE SENATE**

On motion of Senator Carriker and by unanimous consent, the Senate at 10:29 a.m. resolved into a Committee of the Whole Senate with Senator Carriker presiding.

**IN LEGISLATIVE SESSION**

The President called the Senate to order at 11:26 a.m. as In Legislative Session.

**GUESTS PRESENTED**

Senator Bivins was recognized and introduced to the Senate a delegation from Marathon Oil from the Midland and Iraan area.

The Senate welcomed its guests.

**HOUSE BILL 997 REREFERRED**

On motion of Senator Montford and by unanimous consent, H.B. 997 was withdrawn from the Committee on Natural Resources and was rereferred to the Committee on International Relations, Trade, and Technology.

**HOUSE BILL ORDERED NOT PRINTED**

On motion of Senator Ellis and by unanimous consent, H.B. 752 was ordered not printed.

(Senator Harris of Dallas in Chair)

**AT EASE**

Senator Harris of Dallas at 11:29 a.m. announced the Senate would stand At Ease while the Senate met in Caucus.

**IN LEGISLATIVE SESSION**

The President at 12:07 p.m. called the Senate to order as In Legislative Session.

**RECESS**

On motion of Senator Harris of Dallas, the Senate at 12:07 p.m. took recess until 1:30 p.m. today.

**AFTER RECESS**

The Senate met at 1:30 p.m. and was called to order by the President.

**MESSAGE FROM THE HOUSE**

House Chamber  
April 28, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 131**, Designating the day after sine die adjournment of the regular session as Texas Smile Day.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**HOUSE BILLS ON FIRST READING**

The following bills received from the House were read first time and referred to the committees indicated:

**H.B. 1662** to Committee on Jurisprudence.

**H.B. 1791** to Committee on Economic Development.

**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolutions were introduced, read first time, and referred to the committees indicated:

**S.C.R. 77** by Nelson Administration  
Granting Eagle Construction and Environmental Services, Inc., and Joe Walraven permission to sue the State of Texas and the Texas Department of Transportation.

**S.C.R. 78** by Harris of Tarrant State Affairs  
Declaring the Texas State Museum of History in Arlington the official state history museum of Texas.

**S.C.R. 79** by Parker State Affairs  
Requesting the speaker of the house of representatives to appoint five members of the house of representatives and the lieutenant governor to appoint five members of the senate to form a delegation to travel to Washington, D.C., to meet with members of the Texas delegation to Congress to express opposition to the proposed Clinton energy policy and urge them to reconsider support of this plan.

**S.B. 1435** by Lucio, Truan Natural Resources  
Relating to the location of certain solid waste disposal facilities.

**S.B. 1436** by Lucio Natural Resources  
Relating to the management of certain funds of the watermaster operations of the Texas Water Commission.

**S.B. 1437** by Lucio Natural Resources  
Relating to the shipping of finfish in individual packages.

**S.B. 1438** by Lucio Natural Resources  
Relating to the commercial transportation of aquatic products.

**S.B. 1439** by Bivins Health and Human Services  
Relating to the placement in a state school of a juvenile offender who is a person with mental retardation.

**S.B. 1440** by Rosson Education  
Relating to a review of child development training agreements.

**S.B. 1441** by Haley Finance  
Relating to the defense of state prosecuting attorneys by the attorney general.

**S.B. 1442** by Turner Administration  
Relating to designation of United States Highway 290 in Lee County as the Henry G. "Bud" Lehman Highway.

**S.B. 1443** by Armbrister Natural Resources  
Relating to the creation, administration, and powers, including the power of eminent domain, and to the duties, operations, and financing of Victoria Regional Water Authority, including the power to issue bonds and the power to levy and collect ad valorem taxes; relating to the power of certain political subdivisions and corporations to contract with the authority.

**S.B. 1444** by Armbrister Jurisprudence  
Relating to protective orders for family violence.

#### **NOTICE OF SESSION TO HOLD LOCAL AND UNCONTESTED BILLS CALENDAR**

Senator Haley announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks and gave notice that a Local and Uncontested Bills Calendar would be held 15 minutes after adjournment tomorrow and that all bills would be considered on second reading in the order in which they are listed.

#### **BILLS SIGNED**

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read:

**H.B. 155**  
**H.B. 716**  
**H.B. 819**  
**H.B. 945**  
**H.B. 1084**

#### **REPORT OF COMMITTEE OF THE WHOLE SENATE**

Senator Carriker reported that the Committee of the Whole Senate on Redistricting, Ethics and Elections had met and had conducted business.

#### **HOUSE BILL 887 ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 887**, Relating to witness fees, privileges, and appearances in court.

The bill was read second time and was passed to third reading by a viva voce vote.

#### **HOUSE BILL 887 ON THIRD READING**

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 887** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

#### **GUEST PRESENTED**

The President introduced to the Senate former Senator Joe Bernal.

The Senate welcomed its guest.

**(Senator Truan in Chair)**

#### **HOUSE BILL 947 ON SECOND READING**

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 947**, Relating to nonsubstantive additions to and corrections in enacted codes, including the nonsubstantive codification of various laws omitted from enacted codes, and to conforming codifications enacted by the 72nd Legislature to other Acts of that legislature.

The bill was read second time and was passed to third reading by a viva voce vote.

**(President in Chair)**

#### **HOUSE BILL 947 ON THIRD READING**

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 947** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

#### **COMMITTEE SUBSTITUTE**

#### **HOUSE BILL 1270 ON SECOND READING**

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**C.S.H.B. 1270**, Relating to installment payments of ad valorem taxes imposed on the homestead of an elderly person.

The bill was read second time and was passed to third reading by a viva voce vote.



**COMMITTEE SUBSTITUTE  
HOUSE BILL 1270 ON THIRD READING**

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.H.B. 1270** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1374 ON SECOND READING**

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**C.S.H.B. 1374**, Relating to the acceptance by a collector of separate tax payments.

The bill was read second time and was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1374 ON THIRD READING**

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.H.B. 1374** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**GUEST PRESENTED**

The President introduced to the Senate Representative Mike Martin of Galveston.

The Senate welcomed Representative Martin.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1005 ON SECOND READING**

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1005**, Relating to technical and substantive amendments to the laws relating to ethics of public servants, including laws governing the Texas Ethics Commission, communications to influence legislation or administrative action, the filing of personal financial statements, conflicts of interest, the giving or acceptance of certain benefits, and political funds and political advertising; providing civil and criminal penalties.

The bill was read second time.

Senator Carriker offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend C.S.S.B. 1005 in SECTION 2.03 of the bill by striking Section 305.0031(a)(3), Government Code, and substituting:

"(3) is not excepted from registration under Section 305.004 or 305.0041."

The amendment was read and was adopted by a viva voce vote.

Senator Carriker offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend C.S.S.B. 1005 in Section 5.01 of the bill by striking Section 251.001(9), Election Code, and substituting the following:

(9) "Officeholder expenditure" means an expenditure made by an officeholder ~~[any person]~~ to defray expenses that:

(A) are incurred by an officeholder in performing a duty or engaging in an activity in connection with the office; and

(B) are not actually reimbursed ~~[reimbursable]~~ with public money.

The amendment was read and was adopted by a viva voce vote.

Senator Carriker offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend C.S.S.B. 1005 in Article 4 by striking SECTION 4.01 of the bill and renumbering subsequent sections in Article 4 appropriately.

The amendment was read and was adopted by a viva voce vote.

(Senator Armbrister in Chair)

Senator Carriker offered the following amendment to the bill:

**Floor Amendment No. 4**

Amend C.S.S.B. 1005 in Section 4.02 of the bill, page 12, line 6, by deleting "required to be reported under" and inserting in its place "made and reported in accordance with".

The amendment was read and was adopted by a viva voce vote.

Senator Bivins offered the following amendment to the bill:

**Floor Amendment No. 5**

Amend C.S.S.B. 1005 by adding a new SECTION 3.05 at the end of Article 3 to read as follows:

SECTION 3.05. (a) Section 7(a), Chapter 421, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9b, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) No member of the legislature shall, for compensation, represent another person before a state agency in the executive branch of state government unless:

~~[(1) the representation is made in a proceeding that is adversary in nature or other public hearing which is a matter of record; or]~~

[(2)] the representation involves the filing of documents, contacts with such agency for informational purposes, or other relations, which involve only ministerial acts on the part of the commission, agency, board, department, or officer.

(b) Section 4(g), Chapter 421, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9b, Vernon's Texas Civil Statutes), is repealed.

(c) This section takes effect January 1, 1995.

The amendment was read and failed of adoption by the following vote: Yeas 14, Nays 17.

Yeas: Armbrister, Bivins, Leedom, Moncrief, Montford, Nelson, Patterson, Ratliff, Shapiro, Shelley, Sibley, Sims, Turner, Zaffirini.

Nays: Barrientos, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Lucio, Luna, Madla, Parker, Rosson, Truan, Wentworth, West, Whitmire.

**(President in Chair)**

Senator Nelson offered the following amendment to the bill:

**Floor Amendment No. 6**

Amend C.S.S.B. 1005 as follows:

(1) Add an appropriately numbered section to Article 3 to read as follows, and renumber the remaining sections as appropriate:

"Section 3.04. Chapter 421, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9b, Vernon's Texas Civil Statutes), is amended by adding Section 7D to read as follows:

**Sec. 7D. PROHIBITED ACTIVITIES OF FORMER LEGISLATORS.**

(a) A former member of the legislature may not engage in activities that require registration under Chapter 305, Government Code, and its subsequent amendments, before the second anniversary of the date the former member ceases to be a member.

(b) A former member of the legislature commits an offense if the former member intentionally or knowingly violates Subsection (a) of this section. An offense under Subsection (a) is a Class A misdemeanor."

(2) Strike Article 6, Section 6.01 of the bill, and substitute the following:

"Section 6.01. (a) Except as provided in Subsection (b), this Act takes effect September 1, 1993.

(b) The provisions of Article 3, Sec. 3.04 take effect January 31, 1995, and apply only to a member of the legislature who ceases to be a member on or after that date."

The amendment was read.

On motion of Senator Carriker, the amendment was tabled by the following vote: Yeas 24, Nays 7.

Yeas: Armbrister, Barrientos, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Lucio, Luna, Madla, Montford, Parker, Ratliff, Rosson, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire.

Nays: Bivins, Leedom, Moncrief, Nelson, Patterson, Shapiro, Zaffirini.

On motion of Senator Carriker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1005 ON THIRD READING**

Senator Carriker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1005 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 357 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 357**, Relating to the regulation of persons operating, assembling, or disassembling cranes; creating offenses and providing criminal penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 357 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 357 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**RECORD OF VOTE**

Senator Nelson asked to be recorded as voting "Nay" on the final passage of the bill.

**SENATE BILL 894 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 894**, Relating to the administration of motor fuel taxes.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 894 ON THIRD READING**

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 894 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**SENATE BILL 540 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 540**, Relating to the elimination of architectural barriers encountered by persons with disabilities.

The bill was read second time.

Senator Barrientos offered the following amendment to the bill:

Amend S.B. 540 by striking all below the enacting clause and substituting the following:

**SECTION 1.** Section 2, Article 9102, Revised Statutes, is amended to read as follows:

**Sec. 2. APPLICATION.** (a) The standards ~~[and specifications]~~ adopted under this article ~~[shall]~~ apply to:

(1) a building or facility [all buildings and facilities] used by the public that is [which are] constructed, or substantially renovated, modified, or altered, in whole or in part on or after January 1, 1970, through [by] the use of state, county, or municipal funds, or the funds of any political subdivision of the state;

~~(2) the[. To such extent as is not contraindicated by federal law or beyond the state's power of regulation, these standards shall also apply to buildings and facilities constructed in this state through partial or total use of federal funds. All buildings and facilities constructed in this state, or substantially renovated, modified, or altered, after the effective date of this article from any one of these funds or any combination thereof shall conform to each of the standards and specifications adopted under this article except where the governmental department, agency, or unit concerned shall determine, after taking all circumstances into consideration, that full compliance with any particular standard or specification is impracticable. Where it is determined that full compliance with any particular standard or specification is impractical, the reasons for such determination shall be set forth in written form by those making the determination and forwarded to the department. If it is determined that full compliance is not practicable, there shall be substantial compliance as determined by the department with the standard or specification to the maximum extent practical, and the file system maintained by the department shall include the written record of the determination that it is impractical to comply fully with a particular standard or specification and shall also set forth the extent to which an attempt will be made to comply substantially with the standard or specification.]~~

~~[(b) These standards and specifications shall be adhered to in those buildings and facilities under construction on the effective date of this article, unless the authority responsible for the construction shall determine that the construction has reached a state where compliance is impractical. This article shall apply to]~~ temporary or emergency construction of a building or facility described by this subsection:

~~(3) a building [as well as permanent buildings.~~

~~[(c) These standards and specifications shall be adhered to in all buildings] leased or occupied [rented] in whole or in part for use by the state under any lease or rental agreement entered into on or after January 1, 1972;~~

~~(4) a privately funded building[. To such extent as is not contraindicated by federal law or beyond the power of the state's regulation, these standards shall also apply to buildings or facilities leased or rented for use by the state through partial or total use of federal funds. Facilities which are the subject of lease or rental agreements on January 1, 1972, will not be required to meet standards and specifications for the term of the existing lease or rental agreement but must be brought into compliance before a lease or rental agreement is renewed. Where it is determined by the governmental department, agency, or unit concerned that full compliance with any particular standard is impractical, the reasons for such determination shall be set forth in written form by those making the determination and forwarded to the department. If it is determined that full compliance is not practical, there shall be substantial compliance as determined by the department with the standard or specification to the maximum extent practical, and the file system maintained by the department shall include the written record of the determination that it is impractical to comply fully with a particular standard or specification and shall also set forth the extent to which an attempt will be made to comply substantially with the standard or specification.~~

~~[(d) Except as otherwise provided in subsection (c) of this section, these standards and specifications shall be adhered to in buildings] defined as a "public accommodation" by Section 12181, [301(7) of the] Americans with Disabilities Act [~~(ADA)~~] of 1990 (42 U.S.C. Sec. 12101 et seq.), [~~(P.L. 101-336)~~] that is ~~[are]~~ constructed or substantially renovated, modified, or altered on or after January 1, 1992; and~~

~~(5) a privately funded building defined as a "commercial facility" by Section 12181, Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), that is constructed or substantially renovated, modified, or altered on or after September 1, 1993.~~

~~(b) To the extent there is no conflict with federal law and it is not beyond the state's power of regulation, the standards adopted under this article also apply to a building or facility constructed in this state, or a building or facility leased or rented for use by the state, through the use of federal funds.~~

~~(c) [(c)] The commissioner may [shall have the authority to] waive or modify accessibility standards adopted under this article [and specifications] when;~~

~~(1) the application of the [such] standards [and specifications] is~~

considered by the commissioner to be irrelevant to the nature, use, or function of a building or facility covered by this article; or

(2) the owner of a building or facility that is the subject of a request for a waiver or modification of a standard under this subsection, or the owner's designated agent, presents proof to the commissioner that compliance with the particular standard is impracticable.

(d) An owner of a building described by Subsection (a)(3) of this section, or the owner's designated agent, must present to the commissioner the proof required by Subsection (c)(2) of this section before the date the owner:

(1) advertises for bids for the purchase or use of the building; or

(2) enters into a contract for the use of the building if the owner does not advertise for bids.

(e) The commissioner may [shall] not waive or modify any standard or specification when:

(1) waiving or modifying a standard or specification [such action] would result in a significant impairment of the acquisition of goods and services by persons with disabilities or substantially reduce the potential for employment of persons with disabilities; or

(2) the proof presented to the commissioner under Subsection (c)(2) of this section is not adequate.

(f) All evidence supporting waiver or modification determinations made by the commissioner shall be made a matter of record and become part of the file system maintained by the department.

SECTION 2. Sections 5(b), (d), and (e), Article 9102, Revised Statutes, are amended to read as follows:

(b) The commissioner has ~~[shall have]~~ all necessary powers to require compliance with the department's ~~[commissioner's]~~ rules and regulations and modifications thereof and substitutions therefor. The commission may also impose an administrative penalty under Section 17, Article 9100, Revised Statutes, on a building owner for a violation of this article or a rule adopted under this article. Each day that the violation is not corrected constitutes a separate violation. The commissioner when the commission considers imposing an administrative penalty under this section, shall first notify a person responsible for the building and allow that person 90 days to bring the building into compliance. The commissioner shall have the authority to extend the 90-day period when circumstances justify such extension.

(d) All plans and specifications for construction or for the substantial renovation, modification, or alteration of a building or facility that has an estimated construction cost of \$50,000 or more and that is [buildings] subject to the provisions of this article shall be submitted to the department for review and approval prior to the time that construction or that substantial renovation, modification, or alteration on the building begins in accordance with rules and regulations adopted by the commissioner. Plans [The plans] and specifications related to the building shall be submitted to the department by the architect, interior designer, or engineer who has overall responsibility for the design of the constructed or reconstructed building. The building owner shall submit the plans and specifications to

the department if there is no architect, interior designer, or engineer with that responsibility [~~unless the cost of the construction or reconstruction project is less than \$50,000~~]. Likewise, any substantial modification of approved plans shall be resubmitted to the department for review and approval. The plans and specifications that are not approved or disapproved by the department within 30 days from the receipt of the plans and specifications are automatically approved. If an architect, interior designer, or engineer required to submit or resubmit plans and specifications to the department fails to do so in a timely manner, the commissioner shall report the fact to the Texas Board of Architectural Examiners or the State Board of Registration for Professional Engineers, as appropriate.

(e) The commissioner may review plans and specifications, make inspections, and issue certifications that structures not otherwise covered by this article are free of architectural barriers and in compliance with the provisions of this article. The department shall inspect each building and facility that has an estimated construction cost of \$50,000 or more and that is subject to this article not later than [within] the first anniversary of [year after] the date that construction or substantial renovation, modification, or alteration of the building or facility is completed. The department shall inspect each building that is subject to this article because of a lease to the state during the first year of the lease.

SECTION 3. This Act takes effect September 1, 1993.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

#### SENATE BILL 540 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 540 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

#### COMMITTEE SUBSTITUTE

#### SENATE BILL 621 ON SECOND READING

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 621, Relating to the continuation and functions of the Texas



State Board of Pharmacy and to the regulation of the practice of pharmacy; providing penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 621 ON THIRD READING**

Senator Carriker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 621 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**SENATE BILL 641 ON SECOND READING**

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 641**, Relating to rural rail transportation districts.

The bill was read second time.

Senator Sims offered the following amendment to the bill:

Amend **S.B. 641** by deleting the underlined sentence in Section 5(1) beginning on line 8 of page 4 and inserting the following:  
The provisions of Section 8 of this Article apply to district property which is leased or contracted for use by any such private enterprise participant.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Sims and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**SENATE BILL 641 ON THIRD READING**

Senator Sims moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 641** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 714 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 714**, Relating to the provision of nutrition for women, infants, children, and the indigent.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 714 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 714** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**MOTION TO PLACE  
SENATE BILL 290 ON SECOND READING**

Senator Ellis asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**S.B. 290**, Relating to corporal punishment in public schools.

There was objection.

Senator Ellis then moved to suspend the regular order of business and take up **S.B. 290** for consideration at this time.

The motion was lost by the following vote: Yeas 17, Nays 14. (Not receiving two-thirds vote of Members present)

Yeas: Barrientos, Carriker, Ellis, Lucio, Luna, Madla, Moncrief, Nelson, Parker, Patterson, Ratliff, Rosson, Truan, Turner, West, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Brown, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Montford, Shapiro, Shelley, Sibley, Sims, Wentworth.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1058 ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1058**, Relating to fees imposed and collected and other revenue received by agencies of state and local government.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

Amend **C.S.S.B. 1058** as follows:

In SECTION 11, in the language amending Section 5.235(f) of the Water Code, on page 6, line 7, insert between the word "operating" and the word "fund" the phrase "account within the general revenue".

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Armbrister and by unanimous consent, further consideration of C.S.S.B. 1058 was postponed to a time certain of 12:00 noon Thursday, April 29, 1993.

Question—Shall the bill be passed to engrossment?

**COMMITTEE SUBSTITUTE  
SENATE BILL 679 ON SECOND READING**

On motion of Senator Luna and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 679**, Relating to an extended year program for certain public school students.

The bill was read second time.

Senator Luna offered the following amendment to the bill:

Amend C.S.S.B. 679 by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter O, Chapter 21, Education Code, is amended by adding Section 21.562 to read as follows:

Sec. 21.562. OPTIONAL EXTENDED YEAR PROGRAM. (a) A school district may apply to the commissioner of education for approval to provide an extended year program for a period not to exceed 30 days for students in kindergarten through grade level eight who are identified as likely not to be promoted to the next grade level for the succeeding school year.

(b) The commissioner may adopt rules for the administration of programs provided under this section.

(c) A school district may not enroll more than 12 students in a class provided under this section.

(d) Each class provided under this section shall be taught by a teacher who has successfully completed a program that provides training to teach a class under this section and that satisfies standards the commissioner establishes.

(e) A student who attends at least 85 percent of the program days of a program under this section shall be promoted to the next grade level at the beginning of the next school year unless a parent of the student presents a written request to the school principal that the student not be promoted to the next grade level. As soon as practicable after receiving the request from a parent, the principal shall hold a formal meeting with the student's parent, extended year program teacher, and counselor. During the meeting, the principal, teacher, or counselor shall explain the longitudinal statistics on the academic performance of students who are not promoted to the next grade level and provide information on the effect of retention on a student's self-esteem and on the likelihood of a student dropping out of school. After the meeting, the parent may withdraw the request that the student not be promoted to the next grade level. If the parent of a student eligible for promotion under this subsection withdraws

the request, the student shall be promoted. If a student is promoted under this subsection, the school district shall continue to use innovative practices to ensure that the student is successful in school in succeeding years.

(f) A school district that provides a program under this section shall adopt a policy designed to lead to immediate reduction and ultimate elimination of student retention.

(g) The state's share of a program under this section may not exceed the amount appropriated for program purposes.

SECTION 2. Section 21.032(c), Education Code, is amended to read as follows:

(c) Unless specifically exempted by Section 21.033 of this code, a student enrolled in a public school district must attend an extended year program provided by a school district for which the student is eligible or tutorial classes required by the district under Section 21.103(b) of this code. A district shall provide transportation services to students required to attend an extended year program provided by a school district in the same manner as during the regular school year. A school district is not required to provide transportation services to accommodate ~~such~~ students required to attend tutorial classes under Section 21.103(b) of this code.

SECTION 3. Section 16.006(a), Education Code, is amended to read as follows:

(a) In this chapter, average daily attendance is the quotient of the sum of ~~[determined by the daily]~~ attendance for each day ~~[as averaged each month]~~ of the minimum school year as described under Section 16.052(a) of this code and for each day approved by the commissioner for an extended year program under Section 21.562 of this code divided by the number of days in the minimum school year.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Luna and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

#### COMMITTEE SUBSTITUTE SENATE BILL 679 ON THIRD READING

Senator Luna moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.B. 679 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Nelson.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1208 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1208**, Relating to grading, packing, and inspecting horticultural products.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend C.S.S.B. 1208 as follows:

Amend Section 91.003(a) in SECTION 1 of C.S.S.B. 1208, on page 1, line 45 of the committee printing, by inserting between "inspections" and "." the following:  
"however no provision of the inspection service agreement may be in violation of state law"

The amendment was read and was adopted by a viva voce vote.

Senator Montford offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend C.S.S.B. 1208 as follows:

Amend Section 91.005(a) in SECTION 1 of C.S.S.B. 1208, on page 2, line 11 of the committee printing, by deleting "[~~Texas~~]" and inserting in its place "Texas".

The amendment was read and was adopted by a viva voce vote.

Senator Montford offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend C.S.S.B. 1208 as follows:

Amend SECTION 4 of C.S.S.B. 1208, on page 3, line 11 of the committee printing, by inserting between "transfer" and "." the following:  
", and shall be used only for the operation of said inspection service"

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1208 ON THIRD READING**

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1208 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1181 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1181**, Relating to the powers and duties of, and systems and programs under, the Employees Retirement System of Texas.

The bill was read second time.

Senator Harris of Dallas offered the following amendment to the bill:

Amend **C.S.S.B. 1181** by striking Sections 36 and 37 of the bill and substituting the following:

**SECTION 36.** Section 839.101(a), Government Code, is amended to read as follows:

(a) A member is eligible to retire and receive a service retirement annuity if the member:

(1) is at least 65 years old, currently holds a judicial office, and has at least 10 years of service credited in the retirement system, the most recently performed of which was for a continuous period of at least one year;

(2) is at least 65 years old and has at least 12 years of service, continuous or otherwise, credited in the retirement system, regardless of whether the member currently holds a judicial office; or

(3) has at least 20 ~~[25]~~ years of service credited in the retirement system, the most recently performed of which was for a continuous period of at least 10 years, regardless of whether the member currently holds a judicial office.

**SECTION 37.** Section 839.102, Government Code, is amended to read as follows:

Sec. 839.102. **SERVICE RETIREMENT ANNUITY.** (a) Except as provided by Subsections (b) and (c), the standard service retirement annuity is an amount equal to 50 percent of the state salary, as adjusted from time to time, being paid a judge of a court of the same classification as the court on which the retiree last served before retirement ~~[computed on the basis of the member's average monthly compensation for the 36 highest months of compensation during the last 60 months of service, multiplied by one-twelfth of three percent for each month of service that is credited in the retirement system].~~

(b) The retirement system shall increase by 10 percent of the amount of the applicable state salary under Subsection (a) or (c) the annuity of a member who on the effective date of retirement has not been out of judicial office for more than one year ~~[The standard service retirement annuity may not be more than 60 percent of the average monthly compensation computed under Subsection (a)].~~

(c) The standard service retirement annuity of a person qualifying for retirement under Section 839.101(b) is an amount computed as a percentage of the state salary, as adjusted from time to time, being paid

a judge of a court of the same classification as the court on which the retiree last served before retirement, according to the following schedule:

<u>age at retirement</u>	<u>percentage of state salary</u>
<u>at least 60 but less than 61</u>	<u>40 percent</u>
<u>at least 61 but less than 62</u>	<u>41.7 percent</u>
<u>at least 62 but less than 63</u>	<u>43.6 percent</u>
<u>at least 63 but less than 64</u>	<u>45.6 percent</u>
<u>at least 64 but less than 65</u>	<u>47.7 percent</u>

~~[as provided by Subsection (a), reduced by one-third of one percent for each whole or partial calendar month that occurs during the period from the date of retirement to the date of the retiree's 65th birthday, including the months that contain the dates of retirement and birthday].~~

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

#### COMMITTEE SUBSTITUTE SENATE BILL 1181 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1181 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### COMMITTEE SUBSTITUTE SENATE BILL 1010 ON SECOND READING

On motion of Senator Patterson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1010**, Relating to the bonding or insurance requirements of certain political subdivisions for the performance of plumbing work.

The bill was read second time and was passed to engrossment by a viva voce vote.

(Senator Ratliff in Chair)

#### COMMITTEE SUBSTITUTE SENATE BILL 1010 ON THIRD READING

Senator Patterson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1010** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 291 ON SECOND READING**

On motion of Senator Rosson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 291**, Relating to the administration of a statewide plan for child support by the attorney general's office and awards of costs in Title IV-D cases.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 291 ON THIRD READING**

Senator Rosson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 291** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 515 ON SECOND READING**

On motion of Senator Rosson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 515**, Relating to child support judgment actions.

The bill was read second time.

Senator Rosson offered the following committee amendment to the bill:

Amend **S.B. 515** as follows:

**Section 2.**

On page 1, line 21, delete the word "in" following the words "child support."

On page 2, line 4, delete the language in current Subsection (e) and replace with the following:

(e) Cumulative Judgment. A cumulative judgment shall include the unpaid balance owed on previously determined arrears or judgments for child support, including interest on all such arrears and each prior judgment as of a specified date, and shall recite that it is a cumulative judgment.

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Rosson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.



(Senator Shelley in Chair)

**SENATE BILL 515 ON THIRD READING**

Senator Rosson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 515 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

(President in Chair)

**COMMITTEE SUBSTITUTE**

**SENATE BILL 516 ON SECOND READING**

On motion of Senator Rosson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 516, Relating to the payment of child support to local registries and the Title IV-D registry for the collection of court-ordered child support and income withholding for child support.

The bill was read second time.

Senator Rosson offered the following amendment to the bill:

Amend C.S.S.B. 516 as follows:

On page 2, line 44, strike the word "An" and replace it with "Except as agreed by the parties, an".

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Rosson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE**

**SENATE BILL 516 ON THIRD READING**

Senator Rosson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 516 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE**

**SENATE BILL 236 ON SECOND READING**

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 236, Relating to guardianships for incapacitated persons; providing a penalty.

The bill was read second time.

Senator Moncrief offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend C.S.S.B. 236 as follows:

On page 12, strike lines 43-48 (Section 117C) and renumber subsequent sections accordingly.

The amendment was read and was adopted by a viva voce vote.

Senator Moncrief offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend C.S.S.B. 236, as follows:

On page 14, line 30, insert the words "or (d)" between the words "(c)" and "of".

On page 14, line 42, delete Subsection (c) and insert in lieu thereof the following:

(c) A guardian of a person younger than 16 years of age may voluntarily admit an incapacitated person to a public or private inpatient psychiatric facility for care and treatment.

(d) A guardian of a person may voluntarily admit an incapacitated person to a residential care facility for emergency care or respite care under Section 593.027 or 593.028, Health and Safety Code.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Moncrief and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 236 ON THIRD READING**

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 236 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**SENATE BILL 332 ON SECOND READING**

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 332**, Relating to consent for medical treatment by surrogate decision-makers on behalf of incapacitated or comatose patients.

The bill was read second time.

Senator Moncrief offered the following committee amendment to the bill:

Amend S.B. 332, as follows:

On page 4, line 13, add "~~electro-~~" prior to the word "convulsive".

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Moncrief and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

#### **SENATE BILL 332 ON THIRD READING**

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 332 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 1142 ON SECOND READING**

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1142**, Relating to surrogate decision making for certain clients of an intermediate care facility serving persons with mental retardation or related conditions.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 1142 ON THIRD READING**

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1142** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### **SENATE BILL 450 ON SECOND READING**

On motion of Senator Sibley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 450**, Relating to authorized investment of the state and certain units of local government.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 450 ON THIRD READING**

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 450 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1089 ON SECOND READING**

On motion of Senator Harris of Dallas and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1089**, Relating to the farm and ranch loan security fund.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1089 ON THIRD READING**

Senator Harris of Dallas moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1089 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1014 ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1014**, Relating to financing alternatives for the conversion of government-owned vehicles to alternative fuels and the use of alternative fuels by those vehicles; granting the authority to issue bonds.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

Amend C.S.S.B. 1014 by deleting subsections (c) and (d) and substituting the following:

(c) The authority shall attempt to include minority owned businesses in the issuance and underwriting of at least 20 percent of the bonds and obligations issued under this section. The authority shall attempt to include women owned businesses in the issuance and underwriting of at least ten percent of the bonds and obligations issued under this section.

(d) If the 73rd Legislature creates The Alternative Fuels Council in Subchapter J, Chapter 113, Natural Resources Code, the Council shall evaluate all applications by eligible entities described in this section for bond financing of alternative fuels infrastructure acquisitions, construction and improvements, and shall determine whether the activities described in such application will increase energy and cost savings to the state or political subdivision submitting such application. Before bonds or other obligations are issued under Subsection (a) of this section, the Council must certify that the proposed project will increase energy and cost savings to the state or political subdivision submitting such application. If the Council cannot make this certification for a proposed project, bonds and other obligations may not be issued for that project under Subsection (a) of this section. The Council is hereby authorized to adopt rules of procedures and standards for the evaluation of applications for bond financing.

(e) If the 73rd Legislature does not create The Alternative Fuels Council in Subchapter J, Chapter 113, Natural Resources Code, the Board shall certify that the proposed project will increase energy and cost savings to the state or political subdivision submitting such application before bonds or other obligations are issued under Subsection (a) of this section. If the Board cannot make this certification for a proposed project, bonds and other obligations may not be issued for that project under Subsection (a) of this section.

(f) The costs associated with administration of the alternative fuels finance program shall be considered a part of project costs and shall be funded with bond proceeds.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Armbrister and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**(Senator Parker in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 1014 ON THIRD READING**

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1014 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1255 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1255**, Relating to a deadline for teacher resignation from a term contract without penalty.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1255 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1255** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 1321 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1321**, Relating to the admission and enrollment of certain students in public institutions of higher education.

The bill was read second time and was passed to engrossment by a viva voce vote.

**RECORD OF VOTE**

Senator Parker asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**SENATE BILL 1321 ON THIRD READING**

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1321** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Parker.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**(President in Chair)**

**SENATE BILL 1334 ON SECOND READING**

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1334**, Relating to the rulemaking authority of the Texas Water Commission regarding underground water.

The bill was read second time.

Senator Bivins offered the following amendment to the bill:

Amend S.B. 1334 in Section 28.011, Water Code (Committee Printing page 1, line 26) by deleting "The" and substituting "Except as otherwise provided by this code, the [The]".

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Bivins and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

#### **SENATE BILL 1334 ON THIRD READING**

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 1334 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### **SENATE BILL 655 ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 655**, Relating to the repeal of the exemption of mariculture activities from certain permit requirements under the Water Code.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **SENATE BILL 655 ON THIRD READING**

Senator Truan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 655 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

#### **SENATE BILL 573 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 573**, Relating to state aid for counties that provide secure residential care facilities for certain delinquent children.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **SENATE BILL 573 ON THIRD READING**

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that

**S.B. 573** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**SENATE BILL 428 WITH HOUSE AMENDMENT**

Senator Armbrister called **S.B. 428** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

**Committee Amendment No. 1**

Amend **S.B. 428** as follows:

Section 1(e), page 1, line 10 by adding "which are components of motor vehicles" after the word "container".

The amendment was read.

Senator Armbrister moved to concur in the House amendment to **S.B. 428**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SENATE RULE 11.19 SUSPENDED**  
(Posting Rule)

On motion of Senator Lucio and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Economic Development might consider **S.B. 314** today.

**SENATE RULE 11.19 SUSPENDED**  
(Posting Rule)

On motion of Senator Armbrister and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Intergovernmental Relations might consider the following bills and resolution today:

**S.B. 720**  
**S.B. 339**  
**S.J.R. 18**

**SENATE RULE 11.19 SUSPENDED**  
(Posting Rule)

On motion of Senator Parker and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Economic Development might consider **H.B. 259** tomorrow.

**SENATE RULE 11.19 SUSPENDED**  
(Posting Rule)

On motion of Senator Brown and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Criminal Justice might consider **S.B. 109** today.

**MEMORIAL RESOLUTIONS**

**S.R. 773** - By Luna: In memory of William F. McQuillen.



**S.R. 774** - By Luna, Madla: In memory of Robert Thompson of San Antonio.

**S.R. 780** - By Shapiro: In memory of Dora Isabell Wynn of Tyler.

#### **CONGRATULATORY RESOLUTIONS**

**H.C.R. 31** - (Turner): Recognizing the 1990-1991 honors world history class of Rockdale High School and their teacher, Mark Brady, for memorializing the life and works of George Sessions Perry.

**S.R. 771** - By Luna: Congratulating Ramon A. Guerra on achieving the rank of Eagle Scout.

**S.R. 776** - By Brown, Armbrister, Ellis: Recognizing the Imperial Sugar Company on the occasion of its 150th anniversary.

**S.R. 778** - By West: Recognizing Bo Craft for his 14 years of service on the city council of Grand Prairie.

**S.R. 779** - By Shapiro: Congratulating the Plano High School boys soccer team on winning the 1993 state championship.

**S.R. 781** - By Haley: Recognizing the Angelina County Farmers Market on the occasion of its being chosen Best Farmers Market in Texas for 1992 by the Texas Certified Farmers Market Association.

**S.R. 782** - By Barrientos: Congratulating Sonia Nicole Jones of Dallas for being designated an Outstanding African-American Freshman at The University of Texas at Austin by the Delta Xi Chapter of Alpha Kappa Alpha Sorority, Incorporated.

**S.R. 783** - By Barrientos: Congratulating Jamal Marcel Allen of Fort Worth for being designated an Outstanding African-American Freshman at The University of Texas at Austin by the Delta Xi Chapter of Alpha Kappa Alpha Sorority, Incorporated.

**S.R. 784** - By Barrientos: Congratulating Craig Scott Taylor of El Paso for being designated an Outstanding African-American Freshman at The University of Texas at Austin by the Delta Xi Chapter of Alpha Kappa Alpha Sorority, Incorporated.

**S.R. 785** - By Barrientos: Congratulating Ghada Mohamed Khalid of Houston for being designated an Outstanding African-American Freshman at The University of Texas at Austin by the Delta Xi Chapter of Alpha Kappa Alpha Sorority, Incorporated.

#### **ADJOURNMENT**

On motion of Senator West, the Senate at 4:49 p.m. adjourned, in memory of Cesar Chavez and Dr. Emmett Conrad, until 10:00 a.m. tomorrow.

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#### **APPENDIX**

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#### **REPORTS OF STANDING COMMITTEES**

The following committee reports were received by the Secretary of the Senate:

April 28, 1993

HEALTH AND HUMAN SERVICES — H.B. 367, H.B. 81, S.C.R. 56,  
C.S.S.B. 1062, C.S.H.B. 2498, C.S.S.B. 1278

CRIMINAL JUSTICE — H.B. 1275, H.B. 521, S.B. 1103, S.B. 810,  
S.B. 806, S.B. 805, C.S.S.B. 600, C.S.S.B. 1197, C.S.S.B. 724

STATE AFFAIRS — H.B. 502, C.S.S.B. 1094

HEALTH AND HUMAN SERVICES — C.S.S.B. 1080, C.S.S.B. 1077

NATURAL RESOURCES — C.S.S.B. 908, C.S.S.B. 1206

INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY —  
S.B. 1392, H.B. 1463

**In Memory  
of  
Cesar Chavez**

Senator Barrientos offered the following resolution:

**(Senate Resolution 743)**

WHEREAS, The death of Cesar Chavez on April 22, 1993, marked the passing of a gentle man of peace who dedicated his life to righting the injustice and inequities around him; and

WHEREAS, Born in desperate poverty on March 31, 1927, the son of migrant farm workers, he rose to become the president of the United Farm Workers of America, the first successful farm workers union in America; and

WHEREAS, From his early days as a field worker and organizer with the Community Services Organization, Cesar Chavez firmly clung to a belief in nonviolence and peaceful change; few remained untouched as a visibly weakened Chavez fasted to call attention to the plight of migrant farm workers who lived in squalid conditions and received wages averaging \$1,350 a year; and

WHEREAS, Rousing the conscience of the nation, Cesar Chavez inspired his fellow citizens to boycott table grapes until the growers in the San Joaquin Valley in California agreed to union contracts; the boycott ultimately forced the growers to sign the contracts and led to the State of California passing the nation's second collective bargaining act for farm workers; and

WHEREAS, Cesar Chavez's commitment to his fellowman remains unsurpassed, and to a whole generation of Americans he will be remembered for his courage and vision; due to his conviction and determination, the children of migrant farm workers can dream of a better future free of the oppressive hopelessness that abject poverty can instill in its victims; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby pay tribute to the memory of Cesar Chavez and extend sincere condolences to his wife, Helen, and his eight children; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Cesar Chavez.

BARRIENTOS	ZAFFIRINI
TRUAN	LUCIO
LUNA	MADLA

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator West and by unanimous consent, the resolution was adopted by a rising vote of the Senate.

**In Memory****of****Dr. Emmett J. Conrad**

Senator West offered the following resolution:

**(Senate Resolution 777)**

WHEREAS, With the death of Dr. Emmett J. Conrad on April 24, 1993, the City of Dallas lost a civic leader of unsurpassed talent, ability, and dedication; and

WHEREAS, The first African American member of the Dallas school board, Dr. Conrad broke several color barriers, serving as the city's first black hospital chief of staff, president of the Greater Dallas Community of Churches, and member of the board of governors of the Dallas Symphony Orchestra; and

WHEREAS, A native of Baton Rouge, Louisiana, this distinguished gentleman studied premedicine at Southern University before serving his country during World War II; his superior intelligence was soon noted and he received a military scholarship to complete his premedical studies at Stanford University; and

WHEREAS, After completing his medical studies at Meharry Medical College in Nashville, Tennessee, and his internship at Saint Louis Hospital, he joined the staff of Saint Paul Hospital in Dallas, where he was named chief of staff in 1981; and

WHEREAS, Dedicated to improving the quality of education afforded our young people, Dr. Conrad won an at-large seat on the school board in 1967; he worked to establish free-lunch programs for poor students and to achieve the integration of administrative staffs; and

WHEREAS, As a member of the State Board of Education for District 13, he was instrumental in effecting Texas school reforms including teacher competency testing and no pass, no play rules; and

WHEREAS, A past member of the board of trustees at Southern Methodist University and Huston Tillotson College, he was a member of the steering committee that established Dallas County Community College; and

WHEREAS, His outstanding professional accomplishments were always beneficial to his community and his state; in a fitting tribute to his enormous contributions to the City of Dallas, his portrait was placed in Dallas City Hall as a 1986 Living Legend; and

WHEREAS, An active member of Warren United Methodist Church and Kappa Alpha Psi fraternity, Dr. Conrad was a member of the board of KERA/Channel 13; and

WHEREAS, A man of honor and integrity, Dr. Conrad will be remembered fondly for his compassion, generosity, and devotion to family; named Father of the Year in 1977, Dr. Conrad and his family

were chosen as one of 23 families selected for their strong family life by the American Family Society in 1982; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby extend sincere condolences to the members of his family: his wife, Eleanor Conrad; his daughter, Dr. Cecilia Conrad; his sister, Portia Conrad Le Page; his brother, Willard P. Conrad; and his grandson, Conrad Miller; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Dr. Emmett J. Conrad.

The resolution was read.

On motion of Senator Harris of Dallas and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator West and by unanimous consent, the resolution was adopted by a rising vote of the Senate.